IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.2878 of 2008
DEENA SAH & ORS
Versus
THE STATE OF BIHAR
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05 01.07.2008 Heard learned counsel for the three petitioners who apprehend their arrest in connection with Ghorasahan P.S. Case No. 84 of 2006 registered under sections 498A, 304B, 201/34 I.P.C. and have prayed for anticipatory bail. Also heard the learned A.P.P. for the State.

The innocence of the petitioners is sought to be impressed by the fact that they do not happen to be the family members of the husband of the deceased, Shanta Devi, and as such their participation in subjecting the deceased to cruelty and torture for non fulfillment of dowry demand was difficult to believe. The learned counsel further sought to submit that although the charge sheet has been submitted under section 306 I.P.C. yet cognizance had curiously been taken under section 304B and 201 I.P.C. although there were no materials in the case diary or record to implicate the petitioner.

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Unfortunately the active participation of the petitioners in the torture of the deceased appears to be writ large in the case diary and the Court appears to have rightly taken cognizance under section 304B and 201 I.P.C. since the dowry demand appears to have been made within seven years of the marriage.

I am not inclined to accept the prayer for anticipatory bail as is made out on behalf of the petitioner and the same is rejected.

(Abhijit Sinha, J.)

Spd/-